IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 6016 of 2007(N)

PETITIONER:

T.A.JOSE, THALIYAKKUZHI HOUSE,
CO-OPERATIVE ROAD, CHEMUKKAVU, THRISSUR.

BY ADV. SRI.DILIP J. AKKARA

RESPONDENTS:
---

1. THE MANAGER, PUNJAB NATIONAL BANK,
KRURPPAM ROAD, THRISSUR-1.

2. THE DEPUTY TAHSILDAR (R.R.),
OFFICE OF THE TAHSILDAR (R.R.),
THRISSUR.

R1 BY ADV. SRI.K.S.DILIP
R2 BY G.P. SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 PHOTOCOPY OF DOCUMENT NO. 3014/81 DATED 14.5.81

EXT.P2 PHOTOCOPY OF ENCUMBRANCE CERTIFICATE DATED 23.6.2004

EXT.P3 PHOTOCOPY OF BASIC TAX RECEIPT NO. 2842 DATED 12.2.2007

EXT.P4 PHOTOCOPY OF HISTOPATHOLOGY REPORT DATED 24.11.2006 ISSUED BY THE POLYCLINIC (P) LTD.

EXT.P5 PHOTOCOPY OF 1ST PAGE OF LOAN PASS BOOK ISSUED BY 1ST RESPONDENT TO LOAN A/C RT-TL 13/03

EXT.P6 PHOTOCOPY OF RR NSOTICE NO. RR4-116/07 DATED 24.1.2007

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 6016 OF 2007

Dated this the 19th day of June, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of arrears of loan stated to be taken by petitioner's son. If petitioner is not a guarantor and if the petitioner's property is not mortgaged, respondents cannot certainly proceed against the petitioner. W.P. is closed leaving freedom to respondents to proceed against the defaulter and against his assets after identifying the same. No recovery can be proceeded against the petitioner, unless he is a guarantor or his property is mortgaged. However, in order to verify whether petitioner's son has any right in the property claimed by petitioner, title deeds should be produced before the second respondent for verification.

(C.N.RAMACHANDRAN NAIR)
Judge